

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

LETASHA MYATT, on behalf of herself)	
and others similarly situated,)	
)	
PLAINTIFF)	
VS.)	Case Number: 1:10-cv-064
)	
ALLEN COUNTY SHERIFF KEN FRIES,)	
(in his official capacity),)	
)	
DEFENDANT)	

**JOINT STIPULATION TO AMEND CLASS DEFINITION
AND OPINION AND ORDER DATED JUNE 25, 2010**

Plaintiff, Letasha Myatt, by her counsel, Christopher C. Myers, and Defendant, Allen County Sheriff Kenneth C. Fries, in his official capacity, by counsel, John O. Feighner and J. Spencer Feighner, stipulate and agree as follows:

1. On June 25, 2010, the United States District Court entered its Opinion and Order in this proceeding. At page four of said Opinion and Order, the United States District Court found:

“The Defendant contends that because Allen County provides for probable cause hearings on Friday mornings, the proper class definition is those individuals arrested without a warrant and booked into the Allen County Jail between 9 a.m. Friday and 9:00 a.m. Saturday from Friday, February 29, 2008, through Saturday, March 20, 2010. In her Reply, the Plaintiff concedes that the Defendant is correct as to the proper class definition and that she agrees to the Defendant's definition.”

2. The United States District Court, therefore, concluded and ordered:

“The Court ORDERS that the class be certified as follows: individuals arrested without a warrant and booked into the Allen County Jail between 9:00 a.m. on Friday and 9:00 a.m. on Saturday between the dates of February 29, 2008, and March 20, 2010, inclusive, as well as any additional class members who exist due to court holidays observed by the Allen County Superior Court and the Allen County Circuit Court during the time period of February 29, 2008, and March 20, 2010.”

3. The parties have exchanged discovery and further identified the relevant time period for the definition of the class members in this litigation. Pursuant to Defendant’s Supplemental Answers to Plaintiff’s First Set of Interrogatories, Defendant concludes that:

“It was the custom and practice of the Allen County Sheriff to obtain probable cause determinations for all individuals arrested and booked into the Allen County Jail on a Friday before 5:00 a.m. that same day, barring court holidays. Individuals arrested and booked into the Allen County Jail on a Friday after 5:00 a.m. were taken to court for a probable cause determination, along with an initial hearing on the following Monday at 9:00 a.m., barring court holidays.”

“SUPPLEMENTAL ANSWER: The Allen County Sheriff did not customarily release individuals arrested and booked into the Allen County Jail between Friday after 5:00 a.m. and Saturday before 9:00 a.m. during the time period of February 26, 2008 to March 27, 2010, prior to obtaining a probable cause determination on the following Monday at 9:00 a.m. barring court holidays.”

4. The parties, therefore, stipulate and agree that the Opinion and Order dated June 25, 2010, should be modified to provide as follows:

“The Court ORDERS that the class be certified as follows: individuals arrested without a warrant and booked into the Allen County Jail between 5:00 a.m. on Friday and 9:00 a.m. on Saturday between the dates of February 29, 2008, and March 20, 2010, inclusive, as well as any additional class members who exist due to court holidays observed by the Allen County Superior Court and the Allen County Circuit Court during the time period of February 29, 2008, and March 20, 2010, where such additional class members did not receive a probable cause determination within 48 hours from the time of their arrest.”

WHEREFORE, Plaintiff and Defendant, by counsel, requests that the United States District Court approve this Stipulation to correctly identify the class members in this case.

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